

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 PHAN TINH,  
5 Petitioner,  
6 v.

7 JERRY HOWELL, *et al.*,  
8 Respondents.  
9

Case No. 2:19-cv-01741-RFB-EJY

**ORDER**

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11 Phan Tinh, who is incarcerated at Nevada's Southern Desert Correctional Center  
12 and who is the petitioner in this habeas corpus action, has submitted an application to  
13 proceed *in forma pauperis* (ECF No. 1) and a petition for writ of habeas corpus pursuant  
14 to 28 U.S.C. § 2241 (ECF No. 1-1).

15 In light of the information provided in the application to proceed *in forma*  
16 *pauperis*, the Court finds that the petitioner is able to pay the \$5 filing fee for this action.

17 **IT IS THEREFORE ORDERED** that the Petitioner's application to proceed *in*  
18 *forma pauperis* (ECF No. 1) is **DENIED**. Petitioner will have 30 days from the date of  
19 this order to have the filing fee of five dollars (\$5) sent to the Clerk of the Court. Failure  
20 to comply with this order will result in dismissal without prejudice of this action.

21 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to send the  
22 petitioner two copies of this order. Petitioner must make the necessary arrangements to  
23 have a copy of this order and the check sent to the Court to pay the filing fee.

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1           **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to correct the  
2 docket for this action to reflect that the respondent warden's name is Jerry Howell.

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5           DATED this 18th day of October, 2019.

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RICHARD F. BOULWARE, II,  
UNITED STATES DISTRICT JUDGE